

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Use Permit #89B

DATE: August 21, 2002

PROPOSAL An amendment to Use Permit #89 - Pine Ridge, to allow the sale of alcoholic beverages for consumption on the premises less than 100' away from a residence and a residential district.

CONCLUSION: The premises is located approximately 60' from a residence and approximately 50' from a residential district. Due to the proximity to a residence and a residential district, the Planning Director finds that it is not possible to mitigate any adverse effects of the reduction in distance of less than 100' that may be associated with this use through landscaping, screening, or other methods.

RECOMMENDATION:

Denial

GENERAL INFORMATION

LEGAL DESCRIPTION: Lot 1, Pine Ridge Addition, and Lot 1, Block 1, Pine Ridge 1st Addition, Lancaster County, Nebraska.

LOCATION: Southeast of the intersection of South 14th Street and Pine Lake Road.

OWNER: John Brager
Northern Lights, LLC
2001 Pine Lake Road, Suite 100
Lincoln, NE 68512 (402) 421-9222

APPLICANT: DaNay Kalkowski
Seacrest and Kalkowski, PC
1111 Lincoln Mall Suite 350
Lincoln, NE 68508 (402) 458-5987

CONTACT: Steve Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508 (402) 458-6000

EXISTING ZONING: B-2 Planned Neighborhood Business District

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North	Vacant, Cemetery	AG
South	Residential	R-3
East	Vacant	B-2
West	Office, High School	I-3

HISTORY: AA #02048 - **Approved July 26, 2002**, this administrative amendment allowed a revised building layout on Lot 1, Pine Ridge Addition from a restaurant to a convenience store.

AA #00100 - **Approved January 30, 2001**, this administrative amendment allowed the enlargement of the building envelope for the commercial/retail building located on Lot 1, Block 1, Pine Ridge 1st Addition

AA #00023 - **Approved May 15, 2000**, this administrative amendment allowed a reallocation of square footage among uses and a revised landscape plan.

UP #89A - **Approved July 1, 1999**, this amendment allowed the first commercial building to be constructed prior to construction of the apartments.

AA #97091 - **Approved October 1, 1997**, this administrative amendment allowed an adjustment of the building envelope on Lots 1 and 2, Block 3, Pine Ridge 1st Addition.

UP #89 - **Approved September 9, 1996**, the use permit authorized 41,500 square feet of office floor area, 39,600 square feet of commercial retail floor area, 6,250 square feet of convenience store floor area, and 216 multiple-family dwelling units.

CZ #3000 - **Approved September 9, 1996**, changed the zoning from AG and R-4 to B-2 and O-3 in conjunction with UP #89.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan designates commercial land use for the subject property.

BACKGROUND: Since Lincoln Municipal Code (LMC) was amended in 1994 requiring a special permit for both on and off-sale alcohol, 91 applications have been considered. Of those 91 applications, ten have been denied (eight by Council action, two by Mayoral veto). All the denials were based upon the fact that the premises was less than 100' away from a residence or a residential district.

On May 18, 2001, a Nebraska Supreme Court ruling established that the City could regulate the sale of alcohol by special permit thereby reaffirming the special permit process. Since that decision, 11 applications have been considered, five of which did not provide the 100' separation to a residence or a residential district. Of those five, four were denied (two by Mayoral veto).

The one approval was Ideal Grocery at 905 South 27th Street, due to the mitigating circumstances. In this case, the grocery was located less than 100' away from apartments on the east side of South 27th Street. However, this reduced separation was mitigated by the fact the uses were separated by South 27th Street (a major arterial) and did not abut one another, and that the apartments were located on the second floor of a commercial building. Additionally, the request was restricted to selling only wine between the hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday.

A summary of the application history is attached that lists the applications for the sale of alcohol since it was regulated by special permit beginning in 1994.

OVERVIEW: A 36,050 square foot commercial building has been constructed on this site. Zoned B-2, the owner wants to accommodate restaurants with on-sale alcohol as tenants. The B-2 district allows the sale of alcohol for consumption on the premises provided the location requirements of LMC 27.63.680 have been met or waived by City Council.

This request does not comply with all location requirements of Section 27.63.680, and as a result an amendment to the use permit is required to allow on-sale alcohol at this location.

ANALYSIS

1. The following are the location requirements from LMC Section 27.63.680 - Special Permit for the Sale of Alcoholic Beverages for Consumption on the Premises. As with a special permit for this use, any or all of the following requirements may be waived by the City Council:

(a) Parking shall be in accordance with LMC Section 27.67.020.

The parking lot on this site is paved, and the number of off-street parking spaces and the design of the parking areas comply with the requirements of LMC.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.

This site is zoned B-2 and a special permit for on or off sale is not required. The use is allowed provided the location requirements of this section are met or are waived by City Council.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

The premises is located closer than 100' to both a residence and a residential district to the south. The approximate separation distances are as follows:

	Residence	Residential District	Day Care
South	60'	50'	n/a

Consistent with previous reviews, the Police Department finds that the proposed mitigation plan does not mitigate the effect of this use being located less than 100' to a residence and a residential district, and therefore is recommending denial.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

Any parking lot lighting must comply with the applicable City of Lincoln Design Standards.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed in conjunction with the sale of alcohol.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed with this special permit.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The doors face the cemetery property to the north (zoned AG), but it is more than 150' away.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

No residential streets are used to access this site.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the amendment approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Planning Commission review and City Council approval is required for this use.

2. The applicant states that there are existing topographical features which mitigate the potential adverse effects of the reduction in the location requirements of Section 27.63.680, and additional landscaping is proposed to further reduce potential impacts. The applicant notes that the grading plan illustrates the building floor elevation of the retail building is approximately 10' below the residential district to the south, and in effect is already providing a bermed earth screen. Additionally, it is stated that the landscape plan illustrates that this berm has existing screening material consisting of 15'-20' high trees, with additional shrub masses being added to provide further screening.

3. DEPARTMENT RESPONSES:

POLICE: The Police Department finds that landscaping or screening do mitigate the adverse effects of the proposed use on the adjacent residences and residential district, and is therefore recommending denial.

PUBLIC WORKS: Public Works has no objections to this request.

The premises is less than 100' from a residence and a residential district, and the conclusion is that the adverse effects cannot be mitigated through landscaping or screening due to the proximity. However, if after a public hearing the City Council approves this application, approval should be subject to the following conditions:

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the landscape plan consistent with the comments noted in the Parks and Recreation Department's review.

2. This approval permits the sale of alcohol for consumption on the premises less than 100' to a residence and a residential zoning district.

General:

3. Before receiving building permits:

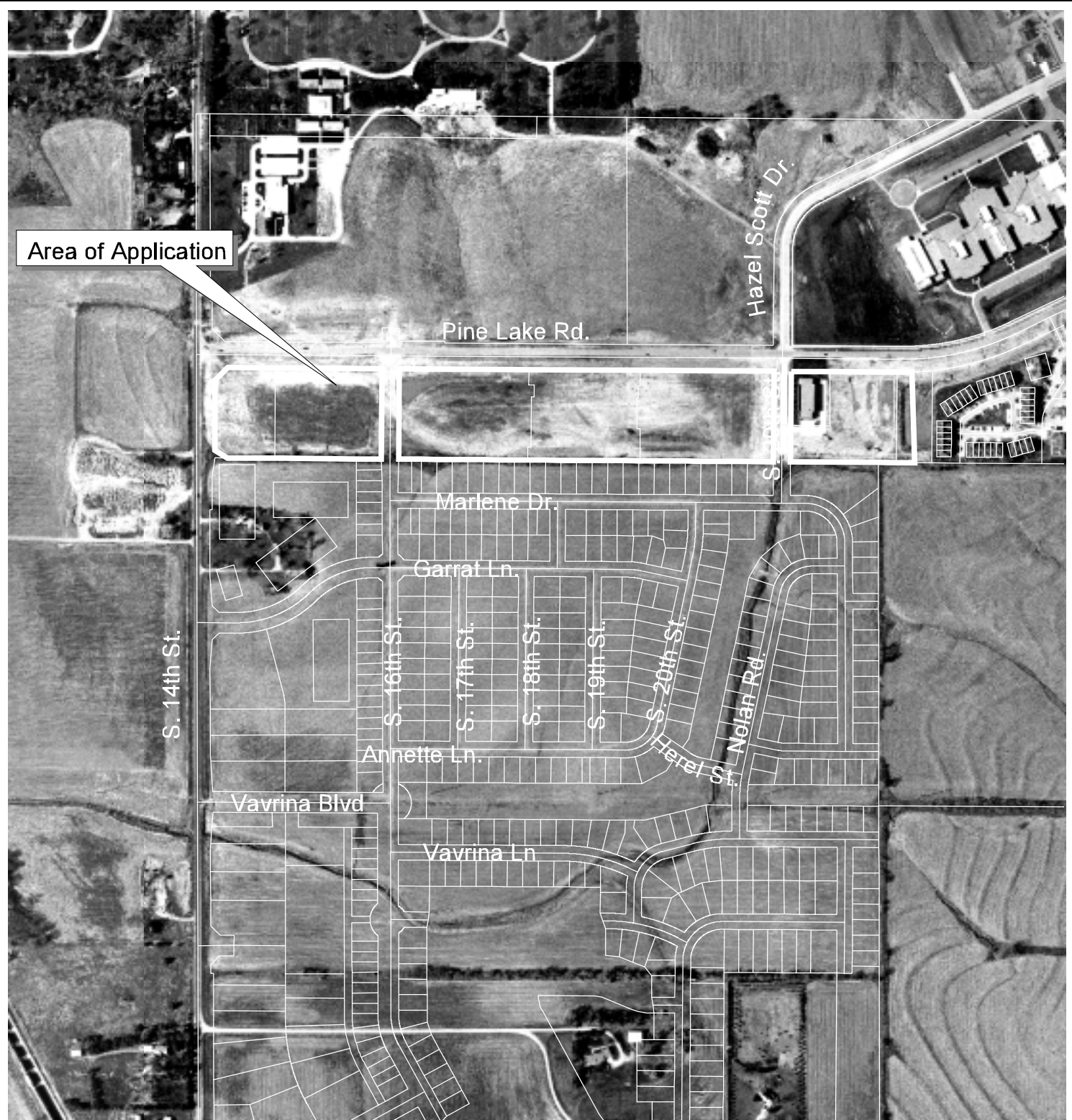
3.1 The construction plans shall comply with the approved plans.

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 The site plan accompanying this amendment shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of this amendment, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the amendment and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

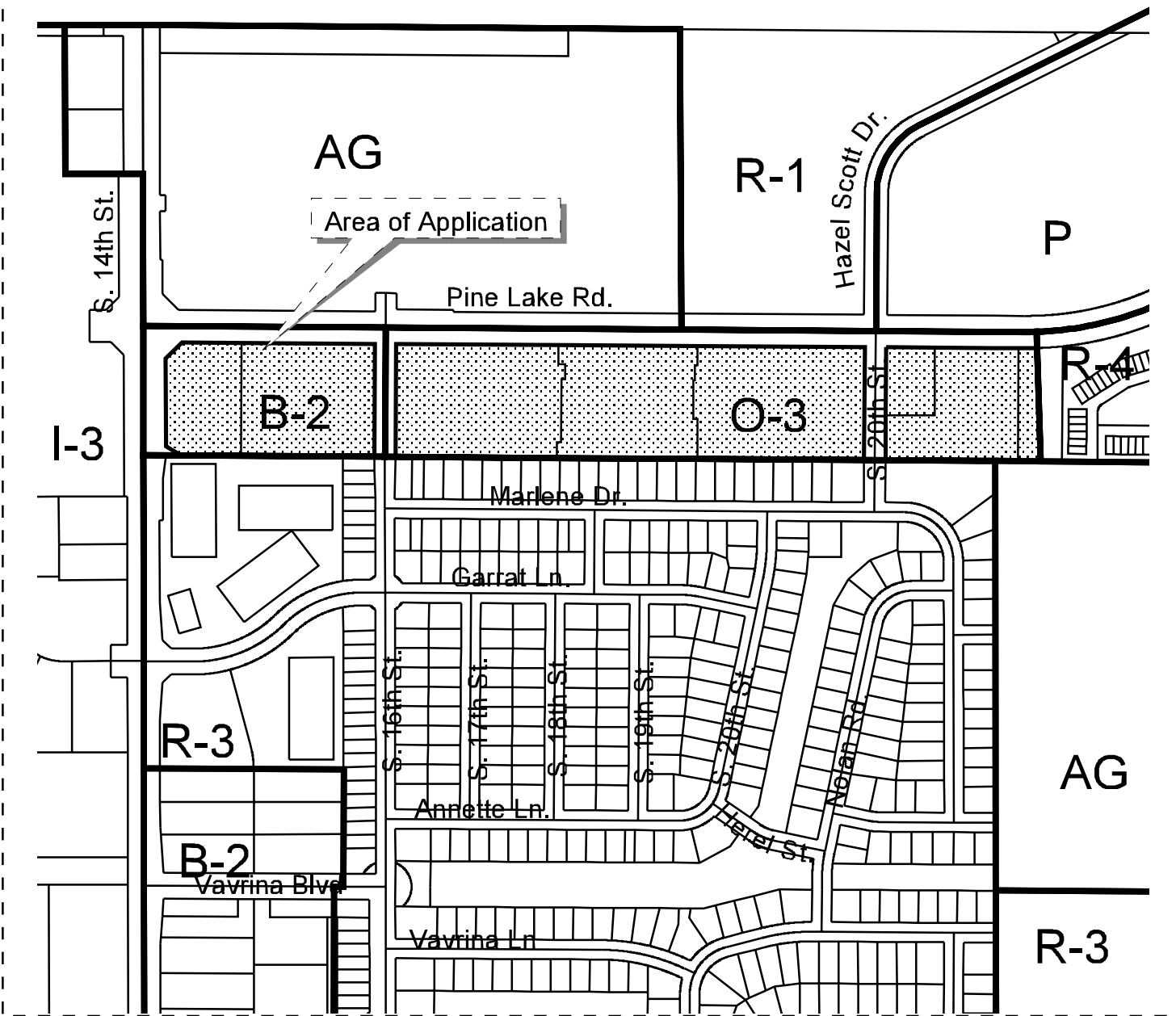
Prepared by:

Brian Will, AICP
Planner



Use Permit #89B
S. 14th St. & Pine Lake Rd.
Pine Ridge





Use Permit #89B
S. 14th St. & Pine Lake Rd.
Pine Ridge

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

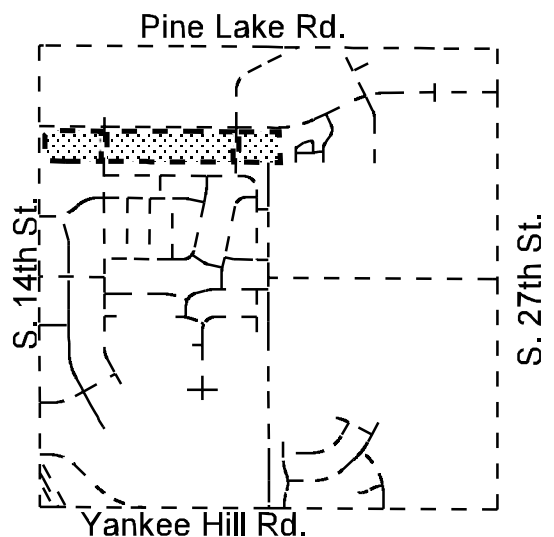
One Square Mile
 Sec. 24 T9N R6E

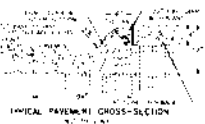


Zoning Jurisdiction Lines



City Limit Jurisdiction





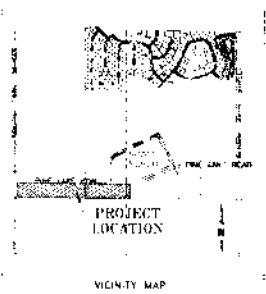
TYPICAL PARKING DETAILS

GENERAL NOTES

1. 1990年10月1日起, 凡在我国境内销售应税消费品的单位和个人, 均须缴纳消费税。
2. 消费税的纳税人是指在我国境内销售应税消费品的单位和个人。
3. 消费税的征税对象是应税消费品。
4. 消费税的税率分为比例税率和定额税率两种。
5. 消费税的纳税环节是在应税消费品的生产、委托加工和进口环节。
6. 消费税的纳税期限分为按月、按季、按半年和按年四种。
7. 消费税的纳税地点是在应税消费品的生产、委托加工和进口环节。
8. 消费税的征收管理由国家税务总局负责。
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20. 消费税的征收管理由国家税务总局负责。

BLDG NO	FLOOR	LAND USE	PARKING	GARAGE	HEIGHT
NO	ZONE AREA (S.F.)	USE			
1	1	COMMERCIAL OFFICE	10		10
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74	1	COMMERCIAL OFFICE	10		1

CURL	RADIUS	LENGTH	TANGENT	CHORD	DELTA
0	100.00	36.61	18.45	35.70	62.01



SOUTH 14TH STREET
& PINE LAKE ROAD

AMENDMENT TO USE PERMIT
SITE PLAN

ENGINEER & PREPARED

OWNER & DEVELOPER

[illegible]

...
...
...
...
...

LEGAL DESCRIPTION

1. 1990年12月，在“中国—东盟贸易与投资合作”国际研讨会上，中国—东盟贸易与投资合作委员会成立。

SURVEYOR'S CERTIFICATE

[illegible]

ENGINEER'S CERTIFICATE

[illegible]

APPENDIX

$$\frac{d}{dt} \left(\int_{\Omega} u^2 dx + \int_{\Gamma} u^2 dS \right) = -2 \int_{\Omega} u \Delta u dx - 2 \int_{\Gamma} u \nabla_n u dS$$


OLSSON
ASSOCIATES

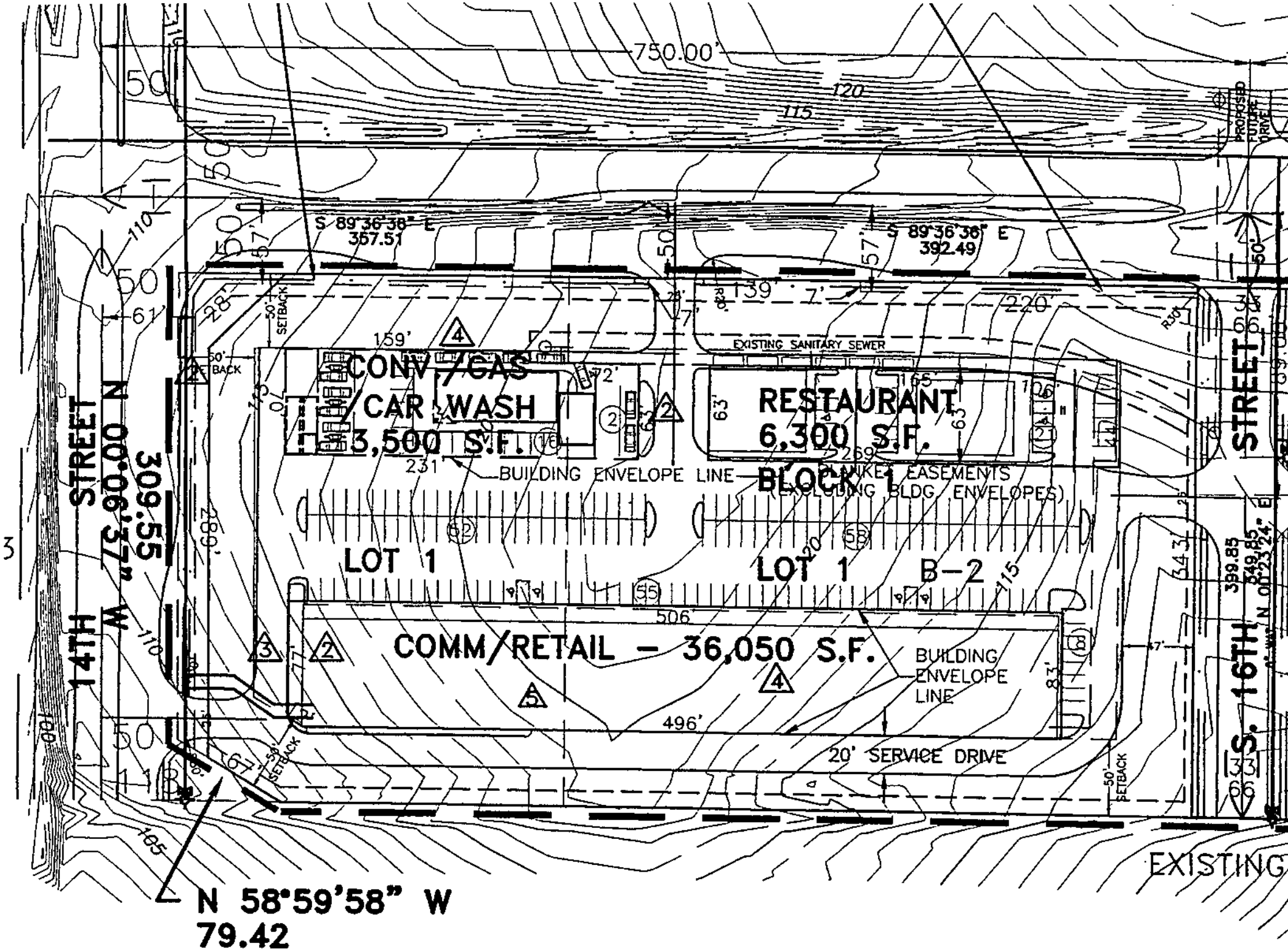
1171 1-4019 100
 F.O. Box 10100
 Lakewood, CO 80226
 303-474-4551

S. 14th ST.
& PINE LAKE
ROAD
AMENDMENT
TO THE USE
PERMIT

SITE
PLAN

LINCOLN
NEBRASKA
2002[illegible]

SHEET
1 OF 3



[illegible]

GRADING PLAN, PROFILE,
AND DRAINAGE PLAN

CEL "2"

[illegible]

Fig. 10-10

ELEVATION IN FEET

STATIONING

PROPOSED GRADE

EXISTING GRADE

SCALE: 1" = 5' VERT.
1" = 50' HORIZ.

[illegible]

NOTE:

1. ALL ELEVATIONS ARE BASED ON CITY OF LINCOLN DATUM.
2. ALL DETENTION CELL OUTLET STRUCTURES AND PIPING SHALL BE DESIGNED TO STORE THE DIFFERENCE BETWEEN DEVELOPED AND UNDEVELOPED STORM.

7111 AVENUE N. 3001
F.C. BOX 84808
LONDON, NT 66501
403-474-8311

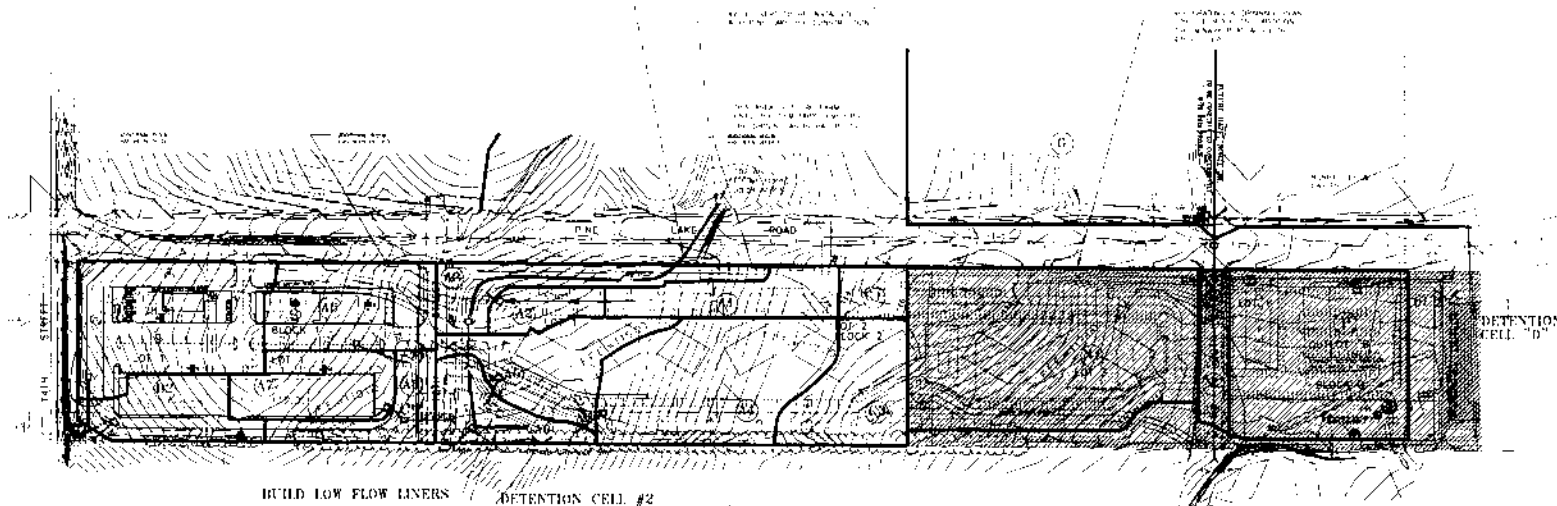
S. 14TH ST.
& PNE LAKE
ROAD
ADMINISTRATIVE
AMENDMENT
TO THE
USE PERMIT

GRADING PLAN,
PROFILE, &
DRAINAGE PLAN

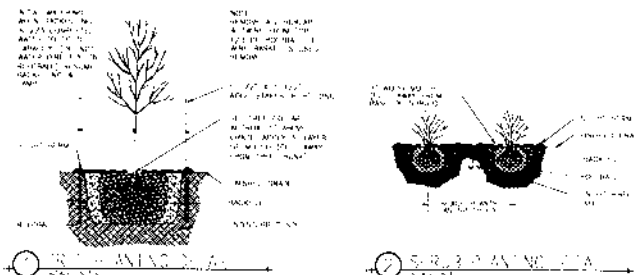
INCO. N
NEBRASKA
2002

[illegible]

SHIFT
2 OF 3



$\mathcal{A} = \{A_1, A_2, \dots, A_n\}$ 是 \mathcal{A} 的 n 个成员。令 $\mathcal{A} = \{A_1, A_2, \dots, A_n\}$ ，则 \mathcal{A} 的 n 个成员 A_1, A_2, \dots, A_n 的并集 $\bigcup_{i=1}^n A_i$ 称为 \mathcal{A} 的并集，记作 $\bigcup \mathcal{A}$ 。类似地， \mathcal{A} 的 n 个成员 A_1, A_2, \dots, A_n 的交集 $\bigcap_{i=1}^n A_i$ 称为 \mathcal{A} 的交集，记作 $\bigcap \mathcal{A}$ 。



1. THE STATE OF NEW YORK
 2. IN SENATE
 3. JANUARY 1, 1901
 4. REPORT
 5. OF THE
 6. COMMISSIONERS OF THE LAND OFFICE
 7. IN RESPONSE TO A RESOLUTION
 8. ADOPTED BY THE SENATE
 9. APRIL 1, 1899
 10. ALBANY:
 11. ANDREW D. DODD, PRINTER.
 12. 1901.

ADMINISTRATIVE AMENDMENT TO USE PERMIT
SITE PLAN

ENGINEER & PREPARER
JAMES A. GILBERT
1001 N. 10TH ST.
DENVER, CO. 80202
303-733-1655

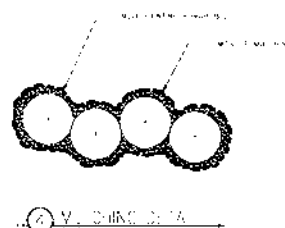
OWNER & DEVELOPER
 The University of Texas at Dallas
 75241-3021
 Dallas, Texas 75241-3021
 Phone: (214) 768-3000



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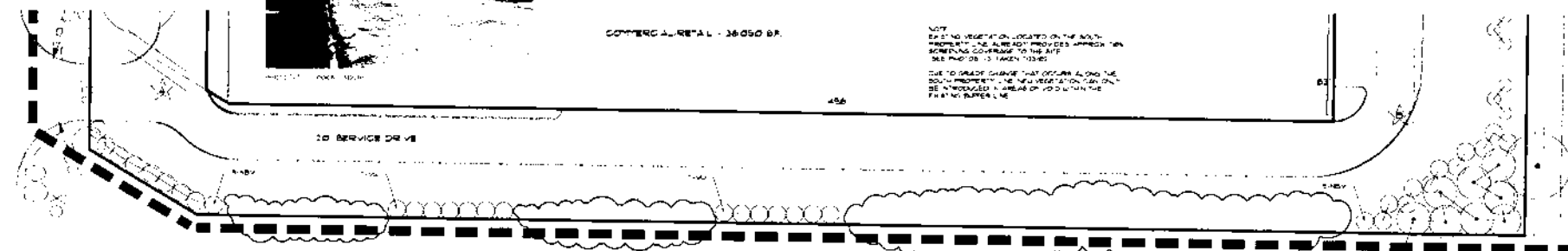
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| COSTS | | REVENUE | | GROSS PROFIT | |
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| 3 | 300.00 | 3 | 300.00 | 0 | 0.00 |
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| 6 | 600.00 | 6 | 600.00 | 0 | 0.00 |
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| 19 | 1900.00 | 19 | 1900.00 | 0 | 0.00 |
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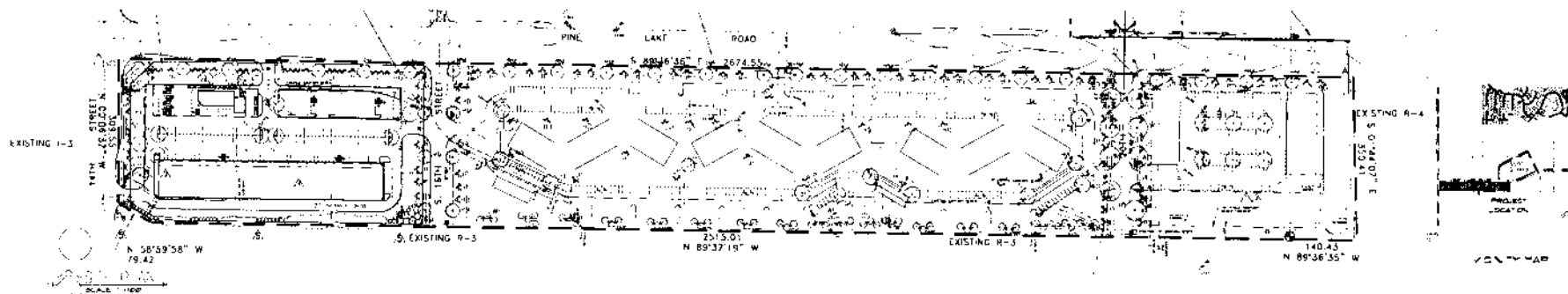
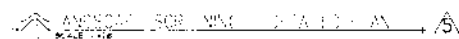
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CONFIDENTIAL - MOSCOW

NOT
EXISTING VEGETATION LOCATED ON THE SOUTH
PROPERTY - THE AIRCRAFT PROVIDES APPROX. 75
PERCENT COVERAGE TO THE AIR
SEE PHOTO 13 TAKEN 11/28/82

DUE TO GRADE CHANGES THAT OCCURRED ALONG THE
SOUTH PROPERTY - THE NEW VEGETATION CAN ONLY
BE INTRODUCED IN AREAS OF 100' WITH THE
EXISTING DRAINAGE LINE.



OLSSON
ASSOCIATES

111 12th St. N. Minneapolis
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 Tel. 2-2222

S. 14TH ST.
& PINE LAKE
ROAD
ADMINISTRATIVE
IMPROVEMENT
TO THE USE
PERMIT

LANDSCAPE
SCREENING
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SEACREST & KALKOWSKI, P.C.

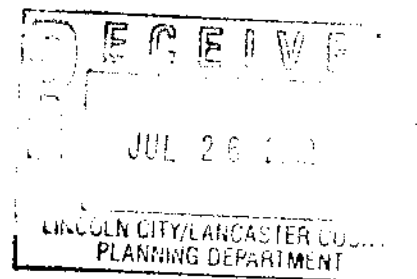
1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: cathie@sklaw.inetnebr.com

KENT SEACREST
DANAY KALKOWSKI

July 25, 2002

Mike DeKalb
Interim Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Amendment to Pine Ridge Use Permit No. 89
South 14th Street and Pine Lake Road

Dear Mike:

Northern Lights, L.L.C. is the owner and developer of the Pine Ridge retail property located at the southeast corner of South 14th Street and Pine Lake Road. The Pine Ridge retail property is zoned B-2 and is covered by Use Permit No. 89. Use Permit No. 89 permits the construction of a 36,050 square feet retail building along the south side of the property which has been built. The retail building is set back 50 feet from the south property line which is the distance required for the rear yard setback. The abutting property to the south contains residential zoning.

Use Permit No. 89 currently permits the sale of alcoholic beverages for the consumption on the premises covered by the Use Permit, provided the locational requirements of Section 27.63.680 have been met or waived by the City Council. Northern Lights, L.L.C. is requesting a waiver to the locational requirements of Section 27.63.680 to permit the sale of alcoholic beverages for consumption on the premises in the 36,050 square feet retail building. Northern Lights, L.L.C. is requesting this amendment so that the retail building can be leased for uses that are permitted in the B-2 Neighborhood Business District, such as restaurants, that require the ability to serve alcoholic beverages for consumption on site. Northern Lights, L.L.C. is not requesting a waiver for the sale of alcoholic beverages for consumption off the premises.

There are existing topographical features which mitigate potential adverse effects of the reduction in the locational requirements of Section 27.63.680 and additional landscaping is proposed to further reduce potential adverse effects. The grading plan illustrates the building floor elevation of the retail building is approximately 10 feet below the residential district to the south and, in effect, is already providing a bermed earth screen. The enclosed Landscape Plan

illustrates that this berm has existing screening material consisting of 15 to 20 feet high "Hackberry" and "Siberian Elm" trees. Shrub masses have been added to the Landscape Plan to provide further screening between the two zoning districts.

Enclosed please find the following documentation for the proposed amendment:

1. Twenty-one (21) copies of the site plan.
2. Eight (8) copies of the drainage and grading plan.
3. Eight (8) copies of the landscape plan/site photos.
4. Application fee in the amount of \$585.
5. Application form.
6. Certificate of ownership.

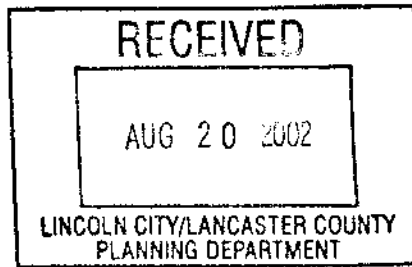
We look forward to working with the City on this proposed amendment. If you have any questions or need any additional information, please feel free to give me or Steve Clymer at Olsson Associates a call.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosures

Memorandum



To: Mr. Brian Will
From: Sergeant Michael S. Woolman #737
Date: August 19, 2002
Re: Pine Ridge Use Permit # 89A

Mr. Will,

I have reviewed the Alcohol Sales Permit for the Pine Ridge Use Permit # 89A. It appears that the proposed location for the restaurant is on either side of the existing "Lincoln Bike Company". Section 27.63.680 of the Lincoln Municipal Code states that the licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved through the Planning Director.

The building sits along the south side of the property located on the southeast corner of 14th Street and Pine Lake Road. The abutting property to the south contains an apartment complex "Chanticleer" (1520 Garret Lane) and residential housing (7135 South 16th Street). Sergeant Richards and myself took measurements from the south edge of the retail building.

Southside of the retail building to the property line south abutting 7135 South 16th street and 1520 Garret Lane = 50 feet.

Southside of the retail building to the north side of the duplex located at 7135 South 16th Street = 60 feet.

Southside of the retail building to the north side of the apartment parking lot located at 1520 Garret Lane = 55 feet.

Southside of the retail building to the north side of the apartment building located at 1520 Garret Lane = 145 feet.

The Lincoln Police Department is recommending denial based on the criteria that the proposed location is within 100 feet of a residential district/residential use.

A handwritten signature in cursive script, appearing to read "Michael S. Woolman".

Michael S. Woolman

Memo



To: Brian Will, Planning Department

From: Mark Canney, Parks & Recreation

Date: August 19, 2002

Re: Pine Ridge Use Permit #89A

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. An assessment must be done of the existing trees to determine which ones are to remain and which are to be removed and indicated as such on the landscape plan.
2. If existing landscape material is to be applied towards the landscape screening requirements, all plant materials must be individually identified and labeled.
3. Existing trees being applied to screening requirements must be thinned to allow for height and spread maturity, as defined in the city landscape standards.
4. Royalty Crabapple is not an acceptable species due to susceptibility to scab, fireblight and other diseases. Please substitute with Purple Prince, Liset, or Centurian crab..
5. Vernal Witchazel performs best in moist situations and no supplemental watering is indicated; if seeking yellow spring flowers in tree form may consider Corneliancherry Dogwood; if seeking yellow spring flowers in shrub form may consider a species of Forsythia x intermedia; if seeking colonization and durability may consider smooth sumac.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

Summary
Applications for Special/Use Permits
For the Sale of Alcohol
3/31/94 to Present

Rev. 8/22/02

LEGEND:

1. SR = Staff Recommendation; PC = Planning Commission; CC = City Council
2. A = Approve; CA = Conditional Approval; D = Denial; N/A, Not Applicable
3. The 'Action' date indicated is the date of City Council action.

- April 11, 1994, Ordinance #16593 was approved creating Lincoln Municipal Code (LMC) Sections 27.63.680 (on-sale) and 27.63.685 (off-sale).

UP-70 The Garden Café 27th & Ticonderoga
Proposed use met all the location criteria.
 SR-CA PC-CA CC-A (Action 10/24/94)

UP-42B Brewsky's North North 27th & Cornhusker Highway
Proposed use met all the location criteria.
 SR-A PC-A CC-A (Action 5/25/94)

On July 5, 1994, Ordinance #16627 was passed, amending Sections 27.63.680 (on-sale) and 27.63.685 (off-sale) adding "Vehicular ingress and egress to and from the property shall be designed to avoid disruption."

UP-11C U-Stop Market West Fletcher Avenue and Northwest 1st Street
Proposed use met all the location criteria.
 SR-A PC-A CC-A (Action 7/6/94)

UP-58B Hy-Vee South 34th & Village Drive
Proposed use met all the location criteria.
 Not approved, withdrawn by applicant.

SP-1516 Brewsky's 1602 South Street
Proposed use was less than 100' to a residential district, but being located within an existing shopping center was the mitigating circumstance.
 SR-CA PC-CA CC-A (Action 8/8/94)

SP-1522 Pump-N- Petrol 2000 West O St.
Proposed building was only 50' from a residential dwelling in the H3 district. A 6' fence and a thick growth of vegetation was deemed sufficient to mitigate the lack of a 100' separation.

SR-A PC-A CC-A (Action - 9/19/94)

SP-1524 Whitehead Oil North 33rd Street and Cornhusker Highway
Proposed building met all location criteria.

SR-A PC-A CC-A (Action - 10/3/94)

SP-1534 Cheerleaders South 48th & Rentworth Drive
Proposed use met all location criteria.

SR-CA PC-CA CC-A (Action - 1/9/95)

SP-1535 Jeffrey Moe NW of South 17th & South Streets
Proposed use met all location criteria.

SR-CA PC-CA CC-A (Action - 1/17/95)

On February 27, 1995, Ordinance #16743 was passed amending Sections 27.63.680 (on-sale) and 27.63.685 (off-sale) adding "no special permit or amendment to be required for interior expansions of existing licensed liquor premises.

SP-1536 Jeffrey Moe NW of North 70th Street and Havelock Avenue
Proposed use was 35' from a residential district. Non-specified trees spaced 10' on-center were proposed as mitigation.

SR-D PC-CA CC-A (Action 2/27/95)

SP-1541 Vina Market 611 N. 27th St.
Proposed use was less than 100' from the R-6 district. Existing buildings between the proposed building and the district provided acceptable mitigation.

SR-CA PC-CA CC-A (Action 2/6/95)

UP-58C Hy-Vee South 34th Street and Village Drive
Proposed use met all location requirements.

SR-A PC-A CC-A (Action 5/1/95)

SP-1546 Taj Mahal 5500 Old Cheney Road
Proposed use met all location requirements.

SR-A PC-A CC-A (Action 3/6/95)

SP-1547 Food Bonanza NW 14TH Street & West O Street
Proposed use was only 15' from the R-2 district. Approved mitigation was a 6' high wood fence.

SR-CA PC-CA CC-A (Action 3/6/95)

P-1551 Phillips 66 Convenience Store 1421 Center Park Road
Proposed use met all location requirements.
 SR-CA PC-CA CC-A (Action 3/20/95)

SP-1553 Outback Steakhouse 633 North 48th Street
Proposed use met all location requirements.
 SR-A PC-A CC-A (Action 4/3/95)

SP-1558 Big Red Keno 955 West O Street
Proposed use met all location requirements.
 SR-A PC-A CC-A (Action 4/3/95)

SP-1560 Fast Fuel 5501 Superior Street
Proposed use met all location requirements.
 SR-A PC-A CC-A (Action 5/30/95)

SP-1569 Whitehead Oil North 84th Street and US Highway #6
Proposed use met all location requirements.
 SR-A PC-A CC-A (Action 7/17/95)

SP-1580 Wash, Wax and Snacks Colfax Street and Touzalin Avenue
Proposed use was within 42' of the R-2 district. Application was withdrawn by applicant.

On November 20, 1995, Ordinance #16899 was passed amending Sections 27.63.680 (on-sale) and 27.63.685 (off-sale) by adding the language, "unless waived by City Council".

SP-1589 Jack & Jill Market 70th & Vine
Proposed use was 27' from a residential district. Mitigation through screening was not deemed possible due to the terrain.
 SR-A PC-D CC-D (Action 1/8/96)

SP-1591 Critter's Bar 1101 Arapahoe Street
Proposed use met all location requirements.
 SR-A PC-A CC-A (Action 12/11/95)

SP-1593 Legionaire Club North 56th and P Streets
Proposed use met all location requirements.
 SR-A PC-A CC-A (Action 1/8/96)

SP-1596 Sun-Mart 2145 S. 17th Street.
Proposed use was 20' from the R-4 district, but mitigated because the district was occupied with intense institutional uses.
 SR-A PC-A CC-A (Action 1/22/96)

SP-1600 Swing-In Tavern 1401 North 56th Street

Proposed use was within 6' of the R-2 district; but did not provide required parking. The application was withdrawn by the applicant before Council action.

SR-D PC-D CC-NA

SP-1601 Duane Hartman Southwest Corner North 33rd & Holdrege Streets

Proposed use was less than 50' away from the R-6 district. No additional mitigation was proposed.

SR-CA PC-CA CC-A (Action 2/5/96)

SP-1605 Whitehead Oil North 84th Street and Cornhusker Highway

Proposed use met all location requirements.

SR-A PC-A CC-A (Action 2/20/96)

SP-1608 Allen Kohout 1301 South Street

Proposed use was 24' from the R-4 district. Mitigation was achieved through the installation of a screening fence.

SR-CA PC-CA CC-A (Action 4/15/96)

SP-1612 Major Oil Company US Highway 77 and Saltillo Road

Proposed use met all location requirements.

SR-CA PC-CA CC-A (Action 5/13/96)

SP-1614 Carlos O'Kelly's SW of North 27th and Superior Streets

Proposed use met all location requirements.

SR-CA PC-CA CC-A (Action 5/28/96)

SP-1626 Fast Eddie's 600 West A Street

Proposed use was adjacent to the R-2 district; a 6' high fence was deemed acceptable mitigation.

SR-CA PC-CA CC-A (Action 8/5/96)

SP-1558A Big Red Keno 955 West O Street

Proposed use met all location requirements.

SR-CA PC-CA CC-A (Action 8/19/96)

SP-1642 Kabredlo's 338 North 27th Street

Proposed use was within 11' of the R-5 district, within 41' of the R-4 district, and within 8' of a residential use. Mitigation was not deemed acceptable. See also SP #1918.

SR-D PC-D CC-D (Action 9/30/96)

SP-1643 Kabredlo's 730 West Cornhusker Highway

Proposed use was within 60' of the R-2 district, but topography and retaining wall were found to mitigate the impact.

SR-D PC-D CC-A (Action 10/28/96)

SP-1644 Kabredlo's 1325 South Street

Proposed use met the location requirements.

SR-A PC-A CC-A (Action 10/14/96)

SP-1652 Caseys NW of North 6TH Street and Cornhusker Highway

Proposed use was 20' from the R-6 district, mitigation was achieved through a 6' tall fence.

SR-CA PC-CA CC-A (Action 11/12/96)

SP-1659 Kwik Shop NW of North 48th Street and Madison Avenue

Proposed use met all location requirements.

SR-CA PC-CA CC-A (Action 12/16/96)

SP-1660 Kwik Shop SE of South 33rd Street and Pioneers Blvd

Was within 66' of the R-1 district. The applicant never complied with the Planning Commission conditions and the application was not forwarded to Council.

SR-CA PC-CA CC-N/A

Sp-1664 Dem Bonz Restaurant NE of Bair Avenue and Superior Street

Proposed building was within 100' of the R-3 district, but that land was occupied by an LES transformer/substation with no need for mitigation.

SR-CA PC-CA CC-A (Action 1/6/97)

SP-1666 Richard Gokie SW of South 33rd and A Streets

Proposed use was 25' from the R-2 district. A 6' wooden fence was deemed acceptable mitigation.

SR-CA PC-CA CC-A (Action 1/1/97)

SP-1667 Sun Chu SW of South 31st and O Streets

Proposed use was within 40' of the R-4 district, with an existing concrete retaining wall approved as mitigation.

SR-CA PC-CA CC-A (Action 1/13/97)

SP-1673 Target SW of North 48th and R Streets

Proposed use was adjacent to the R-4 district. Located in an existing shopping center, mitigation was not required.

SR-A PC-A CC-A (Action 3/3/97)

SP-1676 Dorothy Dahms NW of Sun Valley and Westgate Boulevards

Proposed use met all location requirements.

SR-CA PC-CA CC-A (Action 4/7/97)

SP-1678 Bob Ogara 6006 Havelock Avenue

Proposed use was within 100' of a residential use. A 6' high fence and landscaping were found to mitigate the impact of the use.

SR-CA PC-CA CC-A (Action 4/14/97)

SP-1681 Whitehead Oil South 27th & Stockwell Streets
Proposed use was within 83' of the R-1 district. The finding was that the impact of the use could not be mitigated.

SR-CA PC-CA CC-D (Action 8/4/97)

SP-1682 Dane Corporation 6212 Havelock Avenue
Proposed use met all location requirements.

SR-A PC-A CC-A (Action 5/12/97)

SP-1688 New Saigon Restaurant/Little Saigon Store 940 N. 26th
Proposed use was within 15' of the R6 residential district. Located in an existing business, the finding was that mitigation was not required.

SR-A PC-A CC-A (Action 6/28/97)

SP-1689 Sheila Koch 5500 Old Cheney Road
Proposed use met all location requirements.

SR-A PC-A CC-A (Action 6/28/97)

SP-1693 Dale Galusha 2435 South 48th Street
Proposed use met all location requirements.

SR-A PC-A CC-A (Action 7/21/97)

On August 15, 1997, Ordinance #17232 was passed amending Sections 27.63.680 (on-sale) and 27.63.685 (off-sale) to include the I-3 district.

SP-1699 Edward Foster 3560 North 48th Street
Proposed use was within 10' of the R-2 district to the east. A 6' high wood fence was found to provide adequate mitigation.

SR-CA PC-CA CC-A (Action 9/15/97)

SP-1700 Nam-Duong 335 North 27th
Proposed use was only 10' from the R-6 district. No additional screening or buffering was proposed, mitigation was not acceptable.

SR-D PC-D CC-D (Action 9/29/97)

SP-1710 House of Hunan 2401 North 48th Street
Proposed use met all location requirements.

SR-CA PC-CA CC-A (Action 12/22/97)

SP-1712 McManus Enterprises 4620 Bair Ave.
Proposed use was within 15' of the R-3 district. However, the R-3 site was occupied by an LES substation and mitigation was found not necessary.

SR-CA PC-CA CC-A (Action 1/12/98)

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|---|--------------------------|------------------------------------|------------------------|
| SP-1719 | Conrad Muilenburg | 2200 Winthrop Road | |
| Proposed use met all location requirements. | | | |
| | SR-A | PC-A | CC-A (Action 3/30/98) |
| | | | |
| SP-1727 | Valentino's | 2701 South 70 th Street | |
| Proposed use met all location requirements. | | | |
| | SR-A | PC-A | CC-A (Action 6/8/98) |
| | | | |
| SP-1729 | Osco Drug | 2711 S. 48 th | |
| Proposed use was 35' from the R-4 district. No additional mitigation was required. | | | |
| | SR-A | PC-A | CC-A (Action 6/29/98) |
| | | | |
| SP-1734 | Donald Spikas | 2900 Cornhusker Highway | |
| Proposed use met all location requirements. | | | |
| | SR-A | PC-A | CC-A (Action 7/6/98) |
| | | | |
| SP-1750 | Dennis Kodad | 2313 North Cotner Blvd | |
| Proposed use was within 75' of the R-2 district with no additional mitigation proposed. | | | |
| | SR-CA | PC-D | CC-D (Action 12/7/98) |
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| SP-1757 | David Shoemaker | 1200 Saltillo Road | |
| Proposed use met all location requirements. | | | |
| | SR-CA | PC-CA | CC-A (Action 12/16/99) |
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| SP-1776 | Sun Valley Bar and Grill | 300 West P Street | |
| Proposed use met all location requirements. | | | |
| | SR-CA | PC-CA | CC-A (Action 7/6/99) |
| | | | |
| SP-1779 | Applebee's | 3951 North 27 th Street | |
| Proposed use met all location requirements. | | | |
| | SR-A | PC-A | CC-A (Action 7/19/99) |
| | | | |
| SP-1780 | Mini Mart | 8401 West O Street | |
| Proposed use met all location requirements. | | | |
| | SR-CA | PC-CA | CC-A (Action 9/13/99) |
| | | | |
| SP-1782 | D and D Enterprises | 2608 Park Avenue | |
| Proposed use met all location requirements. | | | |
| | SR-CA | PC-CA | CC-A (Action 8/2/99) |
| | | | |
| SP-1784 | Whitehead Oil | 6801 Wildcat Drive | |
| Proposed use met all location requirements. | | | |
| | SR-CA | PC-CA | CC-A (Action 8/16/99) |

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| SP-1785 | Great Scott's Food Court | 3111 Northwest 12 th Street |
| Proposed use met all location requirements. | | |
| SR-CA | PC-CA | CC-A (Action 8/30/99) |
| | | |
| SP-1798 | S and X Corporation | 2929 Northwest 12 th Street |
| Proposed use met all location requirements. | | |
| SR-A | PC-A | CC-A (Action 9/27/99) |
| | | |
| SP-1799 | Stay Bridge Hotel | 2701 Fletcher |
| Proposed use was less than 100' from a residential district, but mitigated by a separation of a 150' separation between buildings. | | |
| SR-A | PC-A | CC-A (Action 9/27/99) |
| | | |
| SP-1801 | Robert Frerichs | 2633 Randolph Street |
| Proposed use was 62' from a residential district, with apartments upstairs in the same building. Mitigation was not deemed possible. | | |
| SR-D | PC-D | CC-D (Action 10/25/99) |
| | | |
| SP-1814 | Firefighters Union Hall | 241 Applecreek Road |
| Proposed use met all location requirements. | | |
| SR-CA | PC-CA | CC-A (Action 12/20/99) |
| | | |
| SP-1838 | Disabled American Veterans | 3901 N. 70 th |
| Permit to expand existing building which had included on-sale at this location for the past 35 years. Proposed expansion was less than 40' to a residential district. Increased landscaping was found to provide adequate mitigation. | | |
| SR-CA | PC-CA | CC-A (Action 6/19/00) |
| | | |
| SP-1843 | The Grapevine | 2620 Stockwell Street |
| Proposed use was within 75' of the R-1 district. Existing screening was found to provide adequate mitigation. | | |
| SR-CA | PC-CA | CC-A (Action 8/22/00) |
| | | |
| SP-1844 | TAMY, Inc. | 105 South 25 th Street |
| Proposed use met all location requirements. | | |
| SR-CA | PC-CA | CC-A (Action 7/17/00) |
| | | |
| SP-1776A | Sun Valley Bar and Grill | 200 West P Street |
| Proposed use met all location requirements. | | |
| SR-A | PC-A | CC-A (Action 8/11/00) |
| | | |
| SP-1852 | LCV, Inc. | 3211 South 13 th Street |
| Proposed use was within 30' of residential uses located in the B-1 district. Existing screening was found to provide adequate mitigation. | | |
| SR-CA | PC-CA | CC-A (Action 8/3/00) |

SP-1553A Outback Restaurant 633 North 48th Street
Proposed use met all location requirements.
 SR-CA PC-CA CC-A (Action 8/22/00)

SP-1899 Randy's Grill and Chill 4947 Holdrege Street
Proposed use was less than 100' away from the R-2 district on two sides. Existing screening was found to provide adequate mitigation.
 SR-CA PC-CA CC-A (Action 3/22/01)

SP-1904 Todd Corliss 4538 North 62nd Street
Withdrawn by applicant.
 SR-N/A PC-N/A CC-N/A

SP-1912 Michael Raasch 1502 West O Street
Proposed use met all location requirements.
 SR-CA PC-CA CC-A (Action 4/24/01)

On May 18, 2001, the Nebraska Supreme Court affirms the City's authority to regulate the sale of alcohol by special permit.

SP-1918 Kabredlo's 338 N. 27th
Proposed use was less than 11' from the R-5 district, 41' to the R-4 district, and 8' to a residential use, however mitigation plan was deemed acceptable.
 SR-D PC-D CC-A (Action 7/16/01)

*Council approval was vetoed by the Mayor and was not overridden.

SP-1924 Kabredlo's 2305 R Street
Proposed use was within 75' of the R-6 district, mitigation plan was not deemed acceptable.
 SR-D PC-D CC-D (Action 8/27/01)

SP-1926 Ideal Grocery 905 South 27th Street
The grocery was less than 100' away from second-story apartments across South 27th Street. Separation provided by South 27th Street along with only selling wine with limited hours of operation (7:30 a.m. - 6:00 p.m., Monday through Saturday) mitigated the impact.
 SR-A PC-A CC-A (Action 8/22/01)

SP-1932 Gokie Enterprises 6835 North 27th Street
Proposed use met all the location criteria.
 SR-CA PC-CA CC-A (Action 8/22/01)

SP-1934 Fraternal Order of Eagles 2112 Cornhusker
Proposed use met all the location criteria.
 SR-CA PC-CA CC-A (Action 10/29/01)

SP-1942 Whitehead Oil NE of South 27th Street and Porter Ridge Road
Proposed use met all the location criteria.

SR-CA PC-CA CC-A (Action 12/3/01)

SP-1953 Ho-Chunk 3301 O Street
Proposed use was within 47' of a residential district. Mitigation plan was found to be inadequate.

SR-D PC-D CC-D (Action 3/18/02)

SP-1962 MMG Properties Coddington Avenue & West.A Street
Proposed use met all the location criteria.

SR-CA PC-CA CC-A (Action 4/22/02)

SP-1963 Salem Oil Company NE of NW 12th & West Adams Streets
Proposed use met all the location criteria.

SR-CA PC-CA CC-A (Action 4/22/02)

SP-1970 Fast Break (Salem Oil Company) 4801 Randolph Street
Proposed use is located approximately 21' from a residence, and approximately 30' from a residential district.

SR-D PC-D CC-A (Action 6/3/02)

*Council approval was vetoed by the Mayor and was not overridden.

SP-1974 U-Stop 110 West O Street
Proposed use met all the location criteria.

SR-CA PC-CA CC-A (Action 6/17/02)

SP-1975 Jimmy Aces 923 South Street
This applicant has requested the application be placed on hold until further notice.

SR-N/A PC-N/A CC-N/A

UP-89B John Brager SE of South 14th Street and Pine Lake Road
Proposed use is within 50' of a residential district and within 60' of a residence. Application is under review at the time this list was revised.

SR- PC- CC-